

REMARKS

This Amendment is submitted in reply to the non-final Office Action dated April 14, 2006. A petition for a two month extension of time is submitted herewith. The Director is authorized to charge \$450.00 for the two month extension of time and any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112701-690 on the account statement.

Claims 1-22 are pending in this application. Claims 1-3, 5-8 and 13-22 are rejected under 35 U.S.C. §102 and Claims 4 and 9-12 are rejected under 35 U.S.C. §103. In response Claim 1 has been amended. This amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 1-3, 5-8 and 13-22 are rejected under 35 U.S.C. §102(b) as anticipated by WO 01/49585 to Frutin ("*Frutin*"). Applicants respectfully disagree with and traverse this rejection for at least the reasons set forth below.

Applicants have amended independent Claim 1 to clarify the present invention. Amended Claim 1 recites, in part, a pressure container comprising an outlet valve, a first closing element and a second closing element, and a movable valve element. The outlet valve can be displaced between a closed position and an open position. The first closing element and the second closing element are so constructed and arranged to provide sealing connections with the outlet valve. The movable valve element is movable in the direction toward the interior of the container for unblocking a first opening cross section blocked by the first closing element and a second opening cross section blocked by the second closing element. By actuating the valve, initially the first opening cross section is unblocked by displacing the first closing element with the movable valve element. Thereafter, the second opening cross section is unblocked by displacing the second closing element with the movable valve element. The amendments are fully supported in the specification, for example, at page 4, line 9 to page 5, line 35 and page 7, line 11 to page 8, line 8.

An advantage of the present invention is that it provides at least two opening cross sections which can be unblocked in sequence for releasing a material from a container. For example, a pressure container in accordance with an embodiment of the present invention offers

the advantage that initially a first opening cross section is unblocked by means of actuation forces, wherein a movable valve element penetrates into the container interior. After unblocking the first opening cross section, a material can flow into the valve outlet at a comparatively small throughput so that a certain pressure equalization is provided in the area around sealing locations. In addition, the structure of the material can become loosened because of the starting outflow movement of the material. Next, a second opening cross section can also be unblocked with an actuating force by the continued actuation of the movable valve element. As a result, the material can flow through the larger cross section of the outlet valve via two opening cross sections. In this manner, the overall actuating forces for opening the valve can be accordingly reduced while allowing for a large outlet cross section that is required for the outflow of the material.

Applicants respectfully submit that *Frutin* fails to disclose or suggest a number of elements of Claim 1. For example, *Frutin* fails to disclose or suggest a second closing element that provides a sealing connection with the outlet valve as required, in part, by Claim 1. *Frutin* also fails to disclose or suggest a second opening cross section blocked by the second closing element as required, in part, by Claim 1. In addition, *Frutin* fails to disclose or suggest unblocking the second opening cross section by displacing the second closing element with a movable valve element as required, in part, by Claim 1.

At most *Frutin* discloses a single opening cross section and a single sealing disc 36 through which its product can be dispensed as observed in Figure 4. For example, although the arrows show the pathways of the viscous material leaving the valve assembly on two sides of the sealing disc 36, this still represents a single opening cross section (i.e. the viscous material is leaving through the same single opening into the external nozzle). As a result, *Frutin* fails to disclose or even suggest every element of the present claims.

For at least the reasons discussed above, Applicants respectfully submit that Claim 1 and Claims 2-3, 5-8 and 13-22 that depend from Claim 1 are novel, nonobvious and distinguishable from the cited reference.

Accordingly, Applicants respectfully request that the rejection of Claims 1-3, 5-8 and 13-22 under 35 U.S.C. §102 be withdrawn.

Claims 4, 9-10 and 12 are rejected under 35 U.S.C. §103 as being unpatentable over *Frutin* in view of U.S. Patent No. 2,702,657 to Davis ("*Davis*"). Claim 11 is rejected under 35

U.S.C. §103 as being unpatentable over *Frutin* in view of U.S. Patent No. 3,572,386 to Sherwin (“*Sherwin*”). Applicants respectfully submit that the patentability of Claim 1 as previously discussed renders moot the obviousness rejections of Claims 9-12 that depend from Claim 1. In this regard, the cited art fails to teach or suggest the elements of Claims 9-12 in combination with the novel elements of Claim 1.

For example, *Frutin* in combination with *Davis* or *Sherwin* fails to disclose or suggest a second closing element that provides a sealing connection with the outlet valve as required, in part, by Claim 1. *Frutin* in combination with *Davis* or *Sherwin* also fails to disclose or suggest a second opening cross section blocked by the second closing element as required, in part, by Claim 1. Finally, *Frutin* in combination with *Davis* or *Sherwin* fails to disclose or suggest unblocking the second opening cross section by displacing the second closing element with a movable valve element as required, in part, by Claim 1.

Accordingly, Applicants respectfully request that the obviousness rejections with respect to Claims 4 and 9-12 be reconsidered and the rejections be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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